

STATE OF NEW MEXICO  
FIRST JUDICIAL DISTRICT COURT  
SANTA FE COUNTY

SCOTT M. THORNTON,  
PLAINTIFF,

VS.

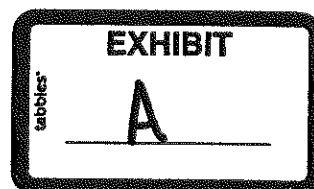
GEO GROUP, INC., ET AL.,  
DEFENDANTS.

No. D-101-CV-2013-02834

SUPPLEMENTAL COMPLAINT

COMES NOW THE PLAINTIFF, SCOTT M. THORNTON, AND  
SUPPLEMENTS HIS ORIGINAL COMPLAINT TO ADD THE FOLLOWING  
CLAIMS AND DEFENDANTS. PLAINTIFF STATES:

1. THE FOREGOING SUPPLEMENTAL COMPLAINT ADDRESSES  
CLAIMS RELATED TO THOSE CLAIMS ALREADY RAISED IN  
PLAINTIFF'S ORIGINAL COMPLAINT, TO INCLUDE:
  - a. PLAINTIFF HAS BEEN DENIED EQUAL PROTECTION OF  
LAWS, AND HAS KNOWINGLY BEEN SUBJECTED TO  
EXCESSIVE HAND PAIN, BY DENIAL OF A TYPEWRITER.
  - b. DEFENDANTS KNOWINGLY MISREPRESENT THE LEGAL  
SERVICES AVAILABLE TO PLAINTIFF, AN OUT-OF-STATE  
PRISONER FROM OKLAHOMA.
  - c. DEFENDANTS KNOWINGLY FALSIFIED MISCONDUCT  
AND PRE-HEARING DETENTION REPORTS, AND  
DEPRIVED PLAINTIFF OF PERSONAL PROPERTY, AS



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A MEANS OF RETALIATION FOR PLAINTIFF'S LAWFUL PURSUIT OF LEGAL REDRESS OF LEGITIMATE COMPLAINTS.

- d. DEFENDANTS KNOWINGLY CREATE OBSTRUCTIONS TO PLAINTIFF'S PURSUIT OF LEGAL ACCESS.
  - e. DEFENDANTS KNOWINGLY DISGUISE ACCOUNTING ERRORS THROUGH BUNDLING OF DEBITS THAT PREVENTS EXPENDITURE TRACKING.
  - f. DEFENDANTS HAVE FAILED TO ACKNOWLEDGE INFORMAL COMPLAINTS TO WARDEN; PROCESS INFORMALS AND GRIEVANCES DUE TO CONFLICT WITH GRIEVANCE OFFICER; SUBMIT APPEAL(S) TO GRIEVANCE ADMINISTRATOR; OR OTHERWISE ALLOW UNFETTERED ACCESS TO THE GRIEVANCE PROCESS, ABSENT TOTAL DENIAL OR MANIPULATION.
2. ADDITION OF GEO GROUP DEFENDANTS, REPRESENTED BY TENSION, ALLEN AND WOSICK, AND HEREIN BY APRIL D. WHITE, INCLUDES:
- a. JAMES JANECMA, LCCF WARDEN
  - b. DEPUTY WARDEN BEARD, SECURITY
  - c. CAPTAIN CANDARCO
  - d. LT. PUP
  - e. OFFICER GONZALES, H.U. - 4
  - f. SGT. GOMEZ, ALT. GRIEVANCE OFFICER
  - g. I. MALDONADO, INMATE ACCOUNTS MANAGER
  - h. RECREATION DIRECTOR FELTS.
3. ADDITION OF NMCD EMPLOYEES, REPRESENTED BY NMCD'S OFFICE OF GENERAL COUNSEL, AND HEREIN BY MICHELLE BOWDON, INCLUDES:
- a. ELLEN GONZALES, CORRECTIONS COMPACT COORDINATOR
  - b. SEAN SHANNON, LEGAL ACCESS MONITOR
  - c. JERRY ROARK, DIRECTOR OF ADULT PRISONS
  - d. LARRY PHILLIPS, GRIEVANCE APPEALS MANAGER
  - e. VALERIE NAEGELE, NMCD CONTRACT MONITOR

4. WAIVER OF ADDITIONAL SERVICE, IN AN EFFORT TO REDUCE AND AVOID UNNECESSARY COSTS, IS AGREED TO BY OPPOSING COUNSELS.
5. CONCERNING THE CLAIMS RAISED FOR THE FIRST TIME HEREIN, PLAINTIFF FILED NOTICE OF CLAIMS ON 10/9/13, 11/28/13 AND 6/30/14 WITH THE RISK MANAGEMENT DIVISION, TO THE EXTENT THAT PLAINTIFF
6. PLAINTIFF SIMULTANEOUSLY RAISES CONSTITUTIONAL CLAIMS UNDER 42 U.S.C. §1983, FOR THOSE VIOLATIONS ATTRIBUTED TO NMCD PUBLIC EMPLOYEES NOT SUBJECT TO SUIT UNDER NEW MEXICO'S TORT CLAIMS ACT, §41-4-1, ET SEQ., NMSA 1978.
7. PRIVATE PRISON EMPLOYEES ARE NOT "PUBLIC EMPLOYEES" AND ENJOY NO IMMUNITY UNDER THE TORT CLAIMS ACT FOR NEGLIGENT BREACH OF DUTY. SEE GIRON V. C.C.A., 19 F.Supp.2d 1245 (1998). POLICIES RELEVANT TO THE CLAIMS HEREIN PROVIDE THE CONTOURS OF "DUTY" FOR GEO GROUP, INC., AS WELL AS THE NAMED GEO GROUP DEFENDANTS; AND, THE LEGISLATURE HAS MADE CLEAR THAT PRIVATE PRISON CONTRACTORS HAVE NO DISCRETION IN A.C.A. ACCREDITATION OR WITH COMPLIANCE OF NMCD POLICIES AND PROCEDURES. SEE NMSA 1978 §41-20-2 (G).
8. PRIVATE PRISON EMPLOYEES ARE ALSO NOT ENTITLED TO QUALIFIED IMMUNITY FROM A PRISONER SUIT CHARGING A VIOLATION OF §1983. RICHARDSON V. MCKNIGHT, 521 U.S. 399, 117 S.Ct. 2100, 138 L.Ed.2d 540 (1997).
9. FACTS PERTINENT TO THE NEW CLAIMS, ADDITION OF DEFENDANTS, AND EXPANDED DEMAND FOR DAMAGES ARE AS FOLLOWS:
  - a. DEFENDANTS HAVE ARBITRARILY DENIED, DESPITE A SHOWING OF CAUSE, THE ACQUISITION OF A TYPEWRITER THAT'S NECESSARY FOR PLAINTIFF'S PREPARATION OF DOCUMENTS IN THIS ACTION, FUTURE ACTIONS, AND HOPEFULLY, THE OKLAHOMA CHALLENGE TO HIS CONVICTION ONCE HIS RIGHT OF LEGAL ACCESS IS RESTORED.  
PLAINTIFF CITED AS CAUSE: (1) THAT POLICE IS SUSCEPTIBLE

TO EXCEPTION; (2) THAT DEFENDANT'S HAVE INVOKED EXCEPTION UNDER SIMILAR CIRCUMSTANCES, ALLOWING ARIZONA-INMATE LARRY PRINCE TO ACQUIRE A TYPEWRITER; (3) THAT LIKE MR. PRINCE, PLAINTIFF'S HOME STATE PROVIDES FOR USE OF TYPEWRITERS/WORD PROCESSORS IN DOCUMENT PREPARATION TO COMPLY WITH FORMAT REQUIREMENTS OF COURTS; AND TO HIS MOST COMPELLING REASON, (4) PLAINTIFF'S RIGHT HAND DEFORMITY AND INTENSE ARTHRITIS, WHICH LIMITS WRITING TO SHORT PERIODS, OFTEN THREATENING PLEADING QUALITY.

PLAINTIFF SEEKS EQUAL TREATMENT AND AN EXCEPTION TO THE VERY POLICY DEFENDANTS MAKE EXCEPTION TO ON A REGULAR BASIS.

b. IN FEBRUARY, 2012, ELLEN GONZALES FALSELY ADVISED HER OKLAHOMA COUNTERPART, COMPACT COORDINATOR STACI BLISS, THAT SHE AND JEAN SHANNON WOULD PROVIDE PLAINTIFF LEGAL ASSISTANCE AND COPIES OF CASE LAW MATERIALS. AS A RESULT, PLAINTIFF'S ACCESS TO OKLAHOMA LEGAL ASSISTANCE IS NO LONGER AVAILABLE. CONSIDERING NEW MEXICO'S LACK OF LEGAL ACCESS, PLAINTIFF HAS EXPERIENCED 29+ MONTHS UNABLE TO PURSUE ANY ACTION WITH SUFFICIENT RESOURCES, AND AWARENESS OF THE ARGUMENTS - FOR AND AGAINST - TO ENABLE A REASONABLY FAIR ADVERSARIAL TESTING OF CLAIMS. OPPOSING COUNSEL, IN THIS OR ANY ACTION, ENJOYS RESEARCH OPPORTUNITIES AND ACCESS TO LAWS THAT WILL ALWAYS TRUMP PLAINTIFF'S POSITION. LEGAL ACCESS IS MORE THAN A WELL-WRITTEN POLICY THAT DESCRIBES A PROGRAM, THERE MUST BE APPLICATION OF THAT POLICY, OF WHICH EVIDENCE PROVES THERE'S NOT.

c. CAPTAIN CANDARGO, C.O. GONZALES AND LT. PLT ACTED IN CONCERT, ONE WITH THE OTHER, TO FABRICATE AN ACCUSATION AGAINST PLAINTIFF, AND SEGREGATE HIM AS A MEANS OF RETALIATION FOR HIS LEGITIMATE PURSUIT OF REDRESS FOR GRIEVANCES, MOST OF WHICH WERE IN RESPONSE TO THE

REPEATED ACTS OF REPRISAL BY ELIZONDO, CAPTAIN CANDARCO'S FORMER GIRLFRIEND AND MOTHER OF THEIR CHILD. A WARNING, MONTHS EARLIER, WOULD HAVE PREPARED PLAINTIFF FOR SUCH A EVENT, BUT HE FAILED TO ENVISION THREE (3) OFFICERS JOINING TOGETHER IN A COMMON SCHEME TO INFLICT AN UNJUST PUNISHMENT.

THE SHEER IMPOSSIBLE NATURE OF C.O. GONZALES' CLAIM, ALONG WITH THIS DISPROPORTIONATE RESPONSE OF CANDARCO, AND FALSE PHD PLACEMENT FORM BY LT. PLT MAJ HAVE SAVED PLAINTIFF. WARDEN BEARD MADE A SHOWING HE WAS DISPLEASED, MAKING C.O. GONZALES WATCH SEASONED OFFICERS CONDUCT A PROPER COUNT; AND FOR REASONS YET DISCOVERED, CANDARCO WAS GIVEN TIME OFF.

INDIVIDUALLY THE ACTS OF CANDARCO, GONZALES AND PLT OFFEND ANY SENSE OF ETHICAL CONDUCT. TOGETHER, THEY USED THEIR FALSE INFORMATION, POSITIONS OF AUTHORITY AND THEIR ABUSE OF POWER TO INFLICT A PUNISHMENT ON PLAINTIFF THAT CANNOT BE CONSIDERED A NORMAL ASPECT OF PRISON LIFE. EVEN NOW, NINE (9) MONTHS LATER, PLAINTIFF SUFFERS ANXIETY EACH TIME CANDARCO APPROACHES HIM. GONZALES CONTINUES TO WORK HILL-4, AND PLAINTIFF AVOIDS CLOSE PROXIMITY AND CONVERSATION. THE IMPULSE FOR FABRICATING MISCONDUCT IS STILL PART OF HER, AND PLAINTIFF HASN'T HAD A REPORT FOR 20 YEARS.

d. PLAINTIFF WAS FIRST DENIED COPIES BY BURRIS, WHICH PROMPTED COOPER TO ENLIST ELIZONDO TO PROVIDE ALL OUT-OF-STATE COPIES TO PLAINTIFF, A FUNCTION SHE STATED QUITE CLEARLY THAT SHE DIDN'T WANT TO BE RESPONSIBLE FOR. EVERY REQUEST WAS STALLED BY ELIZONDO'S EXPRESS NEED TO CONSULT COOPER. ELIZONDO REFUSED COPIES AS REPRISAL FOR PLAINTIFF'S COMPLAINTS, AND STATED AS MUCH. UPON SERVICE OF THIS CIVIL ACTION, ELIZONDO HAD JUST ONE MORE REASON NOT TO DO HER JOB, AS GOMEZ ADMITS IN GRIEVANCE #14-01-42. AT THE DEPARTMENT LEVEL APPEAL, ROSEN'S DESIGNEE STATED: "IT IS YOUR RESPONSIBILITY TO FIND ANOTHER STAFF MEMBER TO COPY YOUR MATERIAL...." IT'S APPARENT THIS

PERSON HAS NO CONCEPT OF THE NEAR SEGREGATED STATUS OF GP-1 INMATES AT LCCF, WHO ENJOY LITTLE MOVEMENT. ALSO, HE'S NOT FAMILIAR WITH BOUNDS V. SMITH, 430 U.S. 817, 97 S.Ct. 1491, 52 L.Ed.2d 72 (1977), WHICH EMPHASIZES THAT IT IS THE STATES, NOT PLAINTIFF, THAT IS REQUIRED TO SHOULD AFFIRMATIVE OBLIGATIONS TO ASSURE ALL PRISONERS MEANINGFUL ACCESS TO THE COURTS. SEE ALSO RAMOS V. LAMM, 639 F.2d 559, 583 (10TH Cir. 1980). CERTAINLY IT IS LCCF'S RESPONSIBILITY TO PROVIDE NECESSARY COPIES, AND PROFESSIONALISM MUST RISE ABOVE CONFLICT TO PERFORM ONE'S DUTY.

e. DEFENDANT MALDONADO HAS BEEN DEBITING PLAINTIFF'S ACCOUNT FOR MORE THAN 18 MONTHS, COLLECTING FUNDS FOR COPIES AND MAILING.

IN THE FIRST MONTHS, EACH COPY REQUEST AND MAILING COST WAS DEBITED INDIVIDUALLY, WHICH ALLOWED PLAINTIFF TO ACCURATELY TRACK HIS ACCOUNT. THIS SCRUTINY RESULTED IN DISCOVERY OF INSTANCES OF DOUBLE-DEBITING, WHICH WAS UNFORTUNATE BUT SIMPLE TO FIX. INSTEAD, A PRACTICE OF "BUNDLING" DEBITS STARTED, AND MULTIPLE COPY/MAILING COSTS WERE REMOVED IN LARGE SUMS, MAKING ACCOUNT TRACKING IMPOSSIBLE, AND DOUBLE-DEBITING UNDETECTABLE.

PLAINTIFF IS CERTAIN HIS ACCOUNT HAS BEEN DEBITED IN AN EXCESSIVE AMOUNT, A FACT ONLY DISCERNABLE BY A REWORKING OF HIS ACCOUNT, USING A SINGLE ENTRY METHOD. A CHECKING ACCOUNT IS SIMILAR. PLAINTIFF WOULDN'T ENTER A DAY'S WORTH OF CHECKS IN A SINGLE EVENING ENTRY. PROPER ACCOUNTING DEMANDS MORE OF A COMMITMENT TO ACCOUNT TRACKING.

f. DEFENDANTS HAVE FAILED TO PROTECT PLAINTIFF'S RIGHT TO INVOKE THE GRIEVANCE PROCESS, BY:

CAUSING GRIEVANCES OR INFORMAL COMPLAINTS, THAT ARE CLEARLY ADDRESSED TO THE WARDEN, (JANECKA), TO BE RETURNED TO ELIZONDO FOR ANY REASON WHEN SEC A.8. OF LD-150501 IS APPLICABLE. (SEE E.G., #131084 ~ THE STAMP AND WRITING IS UNIQUELY ELIZONDO'S; #1207121 ~ SAME;

#140165 AND #14-01-42 ~ THE DECISION IS ELIZONDO'S; GOMEZ SIGNED AS "ALTERNATE GRIEVANCE OFFICER"; #130286; #1312108 AND #14-01-11 ~ ELIZONDO'S DECISION, GOMEZ'S SIGNATURE; #120877; #1207138)

- FAILING TO PROTECT COMPLAINTS FROM WILLFUL MISHANDLING: (SEE E.G., 10/31/13 COMPLAINT AGAINST ELIZONDO / MAILROOM FOR DIVERSION OF #131084; 10/31/13 COMPLAINT AGAINST LANDARCO / GONZALES; 11/11/13 GRIEVANCE ~ ELIZONDO / MAILROOM; 11/11/13 GRIEVANCE ~ LANDARCO / GONZALES; 11/18/13 COMPLAINT ~ ELIZONDO - COPIES)
- MANIPULATION OF DATES OF RECEIPT ~ #140254 AND #14-03-11)
- UNWARRANTED / UNSUPPORTABLE REJECTIONS ~ #130557; #1310152; #131233; #13-05-26)
- FAILING TO PROCESS COMPLAINTS ~ 11/23 & 11/24/13 COMPLAINT OF CLARK; 12/13/13 COMPLAINT OF CLARK
- FAILING TO PROVIDE REQUISITE NOTICE ~ #1312108 AND #14-01-11
- VIOLATING CONFIDENTIALITY AND OPENING INVESTIGATION TO QUESTION POSSESSION OF MEDICAL RECORDS THAT ARE PERFECTLY APPROPRIATE TO POSSESS ~ #140212 AND #14-02-06

10. EXPANDED RELIEF INCLUDES:

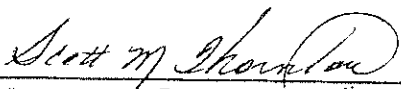
- a. AGREEMENT THAT PLAINTIFF IS UNIQUELY SITUATED, LIKE SIMILAR SITUATION WITH ARIZONA-INMATE LARRY PRINCE, TO WARRANT POLICY WAIVER AND PERMISSION TO ACQUIRE TYPEWRITER.
- b. \$25,000<sup>00</sup> FOR ELLEN GONZALES' FALSE LEGAL ACCESS ASSURANCE, AND FOR THE RESULTING DENIAL OF OKLAHOMA LEGAL ASSISTANCE.
- c. \$75,000<sup>00</sup> FOR MALICIOUS, EVIL, RETALIATORY CONDUCT OF LANDARCO,

GONZALES AND PL4, WHICH WAS INTENTIONAL VIOLATION OF CONSTITUTIONAL RIGHTS UNDER 8<sup>TH</sup> AND 14<sup>TH</sup> AMENDMENTS.

REPLACEMENT OF BALLCAP THAT CANDARCO SNATCHED OUT OF PLAINTIFF'S HAND, AND THREW ON H.U.-4, D-SPACE FLOOR.

- d. \$20,000.<sup>00</sup> FOR REPERT, INTENTIONAL REPRISALS THROUGH DENIAL OF COPIES, AND DISREGARD FOR PLAINTIFF'S 14<sup>TH</sup> AMENDMENT RIGHTS.
- e. CORRECTION OF ACCOUNT TO SHOW SINGLE DEBIT ENTRIES; REPLACEMENT OF ANY DOUBLE-DEBITING ENTRIES; AND, FUTURE SINGLE DEBIT ENTRIES AS ACCOUNTING METHOD.
- f. CHANGE PROCEDURE FOR DELIVERY, PROCESSING AND RESPONDING TO COMPLAINTS AND GRIEVANCES THAT ARE SUBMITTED PER SEC. A.8. OF CP-150501;  
\$25,000.<sup>00</sup> FOR ACTS DETRIMENTAL PLAINTIFF'S 1<sup>ST</sup> AMENDMENT RIGHT TO FILE GRIEVANCES, AND BE FREE OF ACTS OF REPRISAL, EITHER DIRECTLY OR THROUGH ACTS OF THIRD PARTIES.
- g. ANY FURTHER RELIEF DEEMED APPROPRIATE UNDER THE CIRCUMSTANCES OF THIS CASE.

APPROVED AS TO FORMS

  
SCOTT M. THORNTON, #49558  
LCCF  
6900 W. MILLEN DR.  
HOBBS, N.M. 88244

APRIL D. WHITE, ATTORNEY/GEN GROUP

MICHELLE BOWDON, GENERAL COUNSEL



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

SCOTT THORNTON,

Plaintiff,

vs.

Cause No. \_\_\_\_\_

GEO GROUP, INC.; NEW MEXICO  
CORRECTIONS DEPARTMENT;  
GREGG MARCANTEL, SECRETARY  
OF CORRECTIONS; WALTER  
COOPER, PROGRAMS WARDEN;  
DWAYNE BURRIS; L. ELIZONDO,  
GRIEVANCE OFFICER; SGT. FELTS;  
KEEFE COMMISSARY SALES, JAMES  
JANECKA, DEPUTY WARDEN BEAIRD,  
CAPTAIN CONDARCO, LT. PLY,  
OFFICER GONZALES, SGT. GOMEZ,  
I. MALDONADO, RECREATION  
DIRECTOR FELTS, ET AL.,

Defendants.

**CONSENT TO REMOVAL**

Defendants GEO Group, Inc., Warden Cooper, D. Burris, L. Elizondo, and Sgt. Felts  
hereby consent to the removal of this action pursuant to 28 U.S.C. § 1446(b)(2)(C).

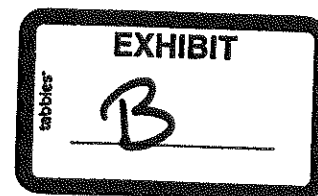
Signed by:

YENSON, ALLEN & WOSICK, P.C.

/s/ April D. White

April D. White

*Attorneys for Defendants GEO Group, Inc.,  
Cooper, Burris, Elizondo, Sgt. Felts, Janecka, Beaird,  
Condarco, Gonzales, Gomez, Maldonado and RD Felts*  
4908 Alameda Blvd NE  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

SCOTT THORNTON,

Plaintiff,

vs.

Cause No. \_\_\_\_\_

GEO GROUP, INC.; NEW MEXICO  
CORRECTIONS DEPARTMENT;  
GREGG MARCANTEL, SECRETARY  
OF CORRECTIONS; WALTER  
COOPER, PROGRAMS WARDEN;  
DWAYNE BURRIS; L. ELIZONDO,  
GRIEVANCE OFFICER; SGT. FELTS;  
KEEFE COMMISSARY SALES, JAMES  
JANECKA, DEPUTY WARDEN BEAIRD,  
CAPTAIN CONDARCO, LT. PLY,  
OFFICER GONZALES, SGT. GOMEZ,  
I. MALDONADO, RECREATION  
DIRECTOR FELTS, ET AL.,

Defendants.

CONSENT TO REMOVAL

Defendants New Mexico Corrections Department, Gregg Marcantel, Ellen Gonzales, Sean Shannon, Jerry Roark, Larry Phillips and Valerie Naegele hereby consent to the removal of this action (No. D-101-CV-2013-2834) pursuant to 28 U.S.C. § 1446(b)(2)(C).

Signed by:



Michelle Bowdon, Esq.

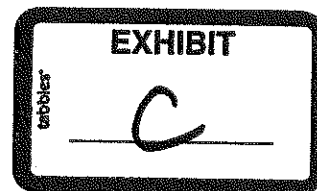
Deputy General Counsel

New Mexico Corrections Department

P.O. Box 27116

Santa Fe, NM 87502

*Attorneys for NMCD, Gregg Marcantel, Ellen Gonzales, Sean Shannon,  
Jerry Roark, Larry Phillips and Valerie Naegele*



## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Scott M. Thornton

**DEFENDANTS**

GEO Group, Inc., et al.

(b) County of Residence of First Listed Plaintiff Lea County  
(EXCEPT IN U.S. PLAINTIFF CASES)

County of Residence of First Listed Defendant Out of State  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Scott M. Thornton #44558, Plaintiff Pro Se  
Lea County Correctional Facility  
6900 W. Millen Dr., Hobbs, NM 88244

Attorneys (If Known)

April D. White, Yenson Allen & Wosick, P.C., 4908 Alameda, Blvd., NE,  
Albuquerque, NM 87113 (505) 266-3995 and Michelle Bowdon, NMCD, P.O.  
Box 27116, Santa Fe, NM 87502 (505) 827-8690

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DJWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS--Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input checked="" type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. Section 1331

Brief description of cause:  
Plaintiff is challenging conditions of his confinement.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE  
10/03/2014

SIGNATURE OF ATTORNEY OF RECORD  
Electronically Filed /s/ April D. White

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE